

00862.021811

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TADAHIRO OHMI, ET AL.

Appln. No.: 09/494,945

Filed: February 1, 2000

For: LASER OSCILLATING APPARATUS,
EXPOSURE APPARATUS USING
THE SAME, AND DEVICE
FABRICATION METHOD

Examiner: D. Flores Ruiz

Group Art Unit: 2828

April 11, 2002

Commissioner For Patents
Washington, D.C. 20231

10/ Election
G. Stahly
4-17-02

RECEIVED
APR 15 2002
TC 2800 MAIL ROOM

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated March 11, 2002, the Examiner entered a restriction requirement among three groups of claims.

The Office Action sets forth a restriction requirement among three groups of claims. Group I, Claims 1-66, is drawn to a laser oscillating apparatus. Group II, Claims 67-77 and 100-102, is drawn to an exposure apparatus. Group III, Claims 78-99 and 103-108, is drawn to a device fabrication method. Applicants respectfully traverse the restriction requirements.

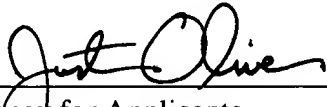
The Examiner contends that the inventions of Groups I through III are distinct because they are related as sub-combinations and/or processes of making and

product made. The Examiner also contends that the different groups would require separate searches. Applicants submit that the various embodiments are so closely related as to not require separate fields of search. A duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained. In addition, any nominal burden placed upon the Examiner to perform a search for the overall invention is outweighed by the public interest in not having to obtain and study separate patents that may issue from Applicants' invention if the restriction requirement is maintained.

Nevertheless, in order to comply with the requirements set forth in 37 C.F.R. § 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group I, Claims 1-66.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
Registration No. 44,986

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
JJ0/tmm

DC_MAIN 93208 v 1